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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,155	03/26/2001	Seiji Mizuoka	2001-0348A	9174

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EXAMINER

LEE, SHUN K

ART UNIT PAPER NUMBER

2878

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,155

Applicant(s)

MIZUOKA ET AL.

Examiner

Shun Lee

Art Unit

2878

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-11 and 13-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 17-33 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1,3-7,9-11,13,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The substitute specification filed 30 July 2003 has not been entered because it does not conform to 37 CFR 1.125(c) because: a substitute specification must be submitted in clean form without markings as to amended material.

Claim Objections

2. Claim 3 is objected to because of the following informalities: claim 3 recites the limitation "the thickness superimposed image" in lines 18-19 (the antecedent basis for this limitation is indefinite, it is suggested that "first thickness superimposed image" in claims 3 and 5 should probably be --first superimposed image-- and "second thickness superimposed image" in claims 3 and 5 should probably be --second superimposed image-- to avoid confusion with "thickness superimposed image"). It is noted that applicant argues that the antecedent basis for "the thickness superimposed image" in dependent claim 3 is "a thickness superimposed image" in line 14 of independent claim 1. However, the claim objection is directed to an indefinite antecedent basis since the antecedent basis for "the thickness superimposed image" in dependent claim 3 can be "a thickness superimposed image", "first thickness superimposed image", or "second thickness superimposed image". Appropriate correction is required.

3. Claims 7 and 15 are objected to because of the following informalities:

(a) in claim 7, "colleting" on line 15 should probably be --collecting--; and

(b) in claim 15, "only the second connected part" on line 3 should probably be --only the first connected part-- (since applicant indicates on pg. 16 of remarks filed 30 July 2003 that the bright side level is referring to the first connected part). Appropriate correction is required.

Allowable Subject Matter

4. Claims 14 and 17-33 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: the instant application is deemed to be directed to a nonobvious improvement over the invention patented in US Patent 6,201,850. The improvements comprise in combination with other recited elements: forming thickness superimposed image of a connected part by adding a plurality of sub-thickness images to each other when a value of the thickness of the connected part is within a certain range, and extracts and collects only valid parts of the plurality of sub-thickness images so as to form the thickness superimposed image when the thickness of the connected part is not within the certain range and forming an image of only a second connected part which overlap at an overlapping part with a first connected part based on the brightness information.

Conclusion

6. This application is in condition for allowance except for the following formal matters: the substitute specification filed 30 July 2003 does not conform to 37 CFR 1.125(c) and the claim objections as noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shun Lee whose telephone number is (703) 308-4860. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703) 308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SL
October 21, 2003


CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878